

(2) The integrated administration of other sanctions and services, which shall include—

(i) Mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(ii) Substance abuse treatment for each participant;

(iii) Diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(iv) Programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

(b) Applications for grants under this program shall be made at such times and in such form as may be specified in guidelines or notices published by the Assistant Attorney General. Applications will be evaluated according to the statutory requirements of the Act and the programmatic goals specified in the applicable guidelines. Grantees must comply with all statutory and program requirements applicable to grants under this program.

§ 93.5 Exclusion of violent offenders.

(a) The Assistant Attorney General will ensure that grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, exclude violent offenders from programs authorized and funded under this part.

(b) No recipient of a grant made under the authority of this part shall permit a violent offender to participate in any program receiving funding pursuant to this part.

(c) Applicants must certify as part of the application process that violent offenders will not participate in programs authorized and funded under this part. The required certification shall be in such form and contain such assurances as the Assistant Attorney General may require to carry out the requirements of this part.

(d) If the Assistant Attorney General determines that one or more violent offenders are participating in a program receiving funding under this part, such funding shall be promptly suspended, pending the termination of participation by those persons deemed ineligible to

participate under the regulations in this part.

(e) The Assistant Attorney General may carry out or make arrangements for evaluations and request information from programs that receive support under this part to ensure that violent offenders are excluded from participating in programs hereunder.

Subpart B—[Reserved]

Laurie Robinson,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 95-14985 Filed 6-19-95; 8:45 am]

BILLING CODE 4410-18-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-5222-2]

Notice of Administrator's Intent To Permit Filing of Reformulated Gasoline and Anti-Dumping Reports via Electronic Data Interchange (EDI); Deadline for First Quarter Batch Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reporting procedures and extension of reporting deadline.

SUMMARY: The reformulated gasoline (RFG) and anti-dumping regulation requires that specified parties submit compliance reports. These reports are to be submitted via forms and procedures specified by the Administrator. Today, EPA is announcing its intent to permit properly filed electronic reports. EPA is also announcing that it is extending by one month the deadline for the first submission of quarterly batch reporting from May 31, 1995 to June 30, 1995. Thus, first quarter reports for 1995 only must be submitted by midnight June 30, 1995. This extension applies to all parties whether submitting paper forms or submitting electronically.

EFFECTIVE DATE: This action is effective on June 20, 1995.

FOR FURTHER INFORMATION CONTACT: For general questions about RFG reporting, contact Mike Marmen, U.S. Environmental Protection Agency, ATTN: REFGAS, 401 M Street SW. (6406-J), Washington, D.C. 20460, (202) 233-9028. For technical assistance with electronic reports, contact Andy Lowe by calling either (202) 233-9027 or by calling 800-395-6222 and instructing the operator to send a brief text message to PIN 259-0639. For questions regarding the Terms and Conditions

Memorandum, contact Anne-Marie Cooney Pastorkovich at (202) 233-9013.

SUPPLEMENTARY INFORMATION: Parties who need assistance may also contact the EPA staff through REFGAS@EPAMAIL.EPA.GOV. A copy of this notice and copies of the "Terms and Conditions" memorandum described below may be obtained from Anne-Marie Cooney Pastorkovich or from Angela Young, (202) 233-9010, or by accessing the bulletin board system described elsewhere in this **SUPPLEMENTARY INFORMATION** section.

A copy of this action is available on the OAQPS Technology Transfer Network Bulletin Board System (TTNBBS). The TTNBBS can be accessed with a dial-in phone line and a high-speed modem (PH# 919-541-5742). The parity of your modem should be set to none, the data bits to 8, and the stop bits to 1. Either a 1200, 2400, 9600 or 14,400 baud modem should be used. When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

- (M) OMS
- (K) Rulemaking and Reporting
- (3) Fuels
- (9) Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the reformulated gasoline rulemaking process. Today's action will be in the form of a ZIP file and can be identified by the following titles: EDINOTE.ZIP. To download this file, type the instructions below and transfer according to the appropriate software on your computer:

```
<D>ownload, <P>rotocol, <E>xamine,
<N>ew, <L>ist, or <H>elp Selection or
<CR> to exit: D filename.zip
```

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

I. Introduction

RFG and Anti-Dumping Program Reporting Requirements, Generally

The primary purpose of the Federal reformulated gasoline (RFG) and anti-

dumping program is to improve air quality in ozone non-attainment areas by reducing motor vehicle emissions of toxic and tropospheric, ozone-forming compounds, as required by § 211(k) of the Clean Air Act ("the Act"). Final regulations for RFG and anti-dumping were signed by the Administrator on December 15, 1993 and were published in the **Federal Register** on February 16, 1994.¹ In order to ensure that the requirements of the RFG and anti-dumping program are complied with (and as a tool for monitoring such compliance), the regulations include, at §§ 80.75 and 80.105, reporting requirements for refiners, importers, and oxygenate blenders. In addition to these parties, independent labs must report the result of analyses of RFG and reformulated gasoline blendstock for downstream oxygen blending (RBOB) to EPA. Interested persons who require further information about the specific reports to be filed should refer to §§ 80.75 and 80.105.

Reporting parties are required, under §§ 80.75 and 80.105, to submit all RFG and anti-dumping compliance reports via forms and procedures specified by the Administrator.² EPA has developed and provided scannable paper forms and copies of these forms are available from the person(s) listed in **FOR FURTHER INFORMATION CONTACT**, above.

Purpose of Electronic Filing

EPA desires to decrease, to the extent possible, the amount of paper forms

¹ EPA published a direct final rulemaking making technical corrections to the February 16 rule in the July 20, 1994 **Federal Register**. A rulemaking related to renewable oxygenates was published in the August 2, 1994 **Federal Register**. Shortly after promulgation of the renewable oxygenates rule, the American Petroleum Institute (API) and National Petroleum Refiners Association (NPRA) brought suit in the United States Court of Appeals seeking review of the Agency's action. On February 16, 1995, oral arguments were held. On April 28, 1995, the Court granted API and NPRA's petition for review and concluded that EPA lacked the authority to promulgate the renewable oxygenate rule. Interested parties may contact the person(s) listed in **FOR FURTHER INFORMATION CONTACT** for information about the status of technical corrections and the renewable oxygenate rule.

² On November 4, 1994, authority to require reporting of information and delivery of records required to be maintained under specified sections, including §§ 80.75 and 80.105, was delegated by the Administrator to the Assistant Administrator for Air and Radiation and the Assistant Administrator for Enforcement and Compliance Assurance. On November 28, 1994, certain authorities, including those related to reporting under §§ 80.75 and 80.105, were further delegated by the Assistant Administrator for Air and Radiation to the Director of the Office of Mobile Sources.

On December 2, 1994, authority was further delegated to the Director of the Field Operations and Support Division of the Office of Mobile Sources, which is the office responsible for day-to-day operations of the RFG and Anti-Dumping reporting program.

required to be submitted under the RFG and anti-dumping program and to permit the submission of reports electronically. Electronic Data Interchange (EDI), is the transmission, in a standard syntax, of unambiguous information between computers of independent organizations and has been widely used by the private/commercial sector. EPA believes that the electronic transmission and receipt of RFG and anti-dumping compliance reports will simplify the flow of reports from the reporting entity to EPA and will lessen the need for the reporting party and EPA to "re key" data in order to fit the EPA paper form. By eliminating extra steps in the reporting process, reporting via EDI will reduce the chance of human error and will help ensure the accuracy of reports filed with EPA.

How the EDI Reporting Program for RFG and Anti-Dumping Will Work

The Administrator will accept RFG and anti-dumping reports filed via EDI in substitution for paper reports, provided the reporting party signs and abides by the provisions of the "Terms and Conditions Memorandum for Submission of Reformulated Gasoline (RFG) and Anti-Dumping Reports via Electronic Data Interchange (EDI)." (This memorandum, the entire text of which appears in Section III below, explains the responsibilities of the reporting party.) EPA will also provide reporting parties with copies of the technical guidance document titled "Reformulated Gasoline and Anti-Dumping Program Electronic Data Interchange Technical Guideline," which includes detailed information about hardware/software requirements, the required usage of data standards, the value added network (VAN) service EPA will use to receive data, and system description. [Copies of this guidance will be sent to reporting parties and other interested parties and may be obtained from the TTNBBS or by contacting the person(s) listed in **FOR FURTHER INFORMATION CONTACT**.]

EPA, and the reporting party who has signed the Terms and Conditions Memorandum, may electronically transmit to or receive from each other any of the transaction sets for the RFG and Anti-dumping program. EPA will identify in the guidance document, a Value-Added Network (VAN), which provides a mailbox from which EPA may send or receive EDI transmissions. As explained in the Terms and Conditions Memorandum, reporting parties may use, at their own expense, this "EPA VAN" or may select another VAN interconnected with the EPA VAN.

EPA and the reporting party must protect electronic data and Personal Identification Numbers (PINs) from unauthorized access, alteration, loss, destruction and/or disclosure to ensure, at a minimum, the same level of protection required for paper documents. This protection must extend beyond the transactions themselves to any files or data bases that contain information conveyed via EDI.

EPA will use a "dual PIN" system. A responsible corporate officer of the reporting party will identify authorized representatives (i.e., corporate employees who are authorized to submit RFG and anti-dumping reports) and the facilities for which such authorized representatives are authorized to submit reports. A responsible corporate officer (see footnote 3 to the Terms and Conditions Memorandum), is the only person who will be sent a company PIN by EPA. The company PIN will be mailed directly to the responsible corporate officer via U.S. Postal Service by EPA. The individual PIN (i.e. the PIN assigned to each authorized representative) will be mailed directly to such authorized representative(s) via U.S. Postal Service by EPA. Both the individual PIN and the company PIN must appear on all proper EDI submissions. Each PIN will be a four (4) character alpha-numeric code. EPA does not intend to routinely change PINs, but will do so at the written request, on company letterhead, of a responsible corporate officer of the reporting party. The reporting party is responsible for notifying EPA if it has reason to believe the security of any PIN(s) has been compromised and must request a change. The reporting party is also responsible for notifying EPA in writing and on company letterhead of termination of employment of any authorized representative. EPA will cancel such authorized representative's individual PIN within fourteen (14) business days of receiving such notice. The reporting party is responsible for notifying EPA (in writing on company letterhead and signed by a responsible corporate officer) of any new employee(s) who will act as authorized representative(s). EPA will promptly issue such authorized representative(s) individual PIN(s) via U.S. Postal Service. If EPA has reason to believe that PIN security has been compromised, it may initiate PIN changes.

EPA will consider an electronically filed report received when it is accessible to the receiver (i.e. EPA) at its receipt computer. No document shall satisfy any reporting requirement until it is received. Upon receipt of any

report, EPA will promptly (i.e. within five [5] business days) and properly submit a functional acknowledgement in return. The functional acknowledgement will constitute conclusive evidence that a report has been properly received by EPA. If a functional acknowledgement is not received in return for a document, then the reporting party initially transmitting the document shall be responsible for re-sending the document.

EPA and the reporting party are responsible for keeping archives of documents sent and received, including a complete record of the data interchanged, representing the messages between the parties and their dates and times (i.e., the data or transaction log). Such data or transaction log shall be maintained for a period of not less than five (5) years. The reporting party agrees to retransmit any document within five (5) days of receiving a re-transmission request by EPA. Likewise, EPA will resend any transmission originated by EPA at the reporting party's request.

EPA considers that electronic reports which are filed consistent with the procedures outlined in this notice, the Terms and Conditions Memorandum, and the technical guidance document fulfill the requirements of §§ 80.75(n) and 80.105, pertaining to form and signature requirements for reports. Specifically, § 80.75(n)(1), pertaining to RFG reporting, and § 80.105(d)(1), pertaining to anti-dumping reporting, require that reports be submitted on forms and following procedures specified by EPA. Reports must be signed and certified as correct by the owner or a responsible corporate officer of the reporting party. See § 80.75(n)(2) [pertaining to RFG reporting] and § 80.105(d)(3) [pertaining to anti-dumping reporting]. EPA will consider a properly filed RFG or anti-dumping report (i.e., a report filed in a manner consistent with the requirement of this notice, the Terms and Conditions Memorandum, and the technical guidance document) to meet the requirements of §§ 80.75(n) and 80.105(d). A report will be considered to be signed and certified as correct by the owner or responsible corporate officer of the reporting party if and only if both the corporate and individual PINs are included in the report itself. Both PINs must be included in each and every report and use of the PINs constitutes certification of correctness within the meaning of §§ 80.75(n)(2) and 80.105(d)(3) for that report. Based on current technology, EPA believes that a dual-PIN certification system is the best available electronic means to meet the reporting requirements of §§ 80.75(n)

and (2) and 80.105 (d) (1) and (3). It is the responsibility of the reporting party to institute and maintain security measures to protect PINs from unauthorized use and to notify EPA in the event issuance of a new PIN becomes necessary. As discussed above, EPA may also initiate a change in PINs.

Circumstances, both foreseeable and unforeseeable, may prevent a reporting party from conducting EDI. Nevertheless, no reporting party will be excused from the requirement to file RFG and Anti-Dumping reports with the Agency by the appropriate regulatory deadline. If a party is unable to electronically file a required report by such deadline, it must submit a paper report on forms provided by EPA.

II. Text of Terms and Conditions Memorandum

Terms and Conditions Memorandum for Submission of Reformulated Gasoline (RFG) and Anti-Dumping Reports via Electronic Data Interchange (EDI)

I. Introduction

A. EDI, Defined

Electronic Data Interchange (EDI) is the transmission, in a standard syntax, of unambiguous information between computers of independent organizations.

B. Acceptance of Electronically Submitted Reports in Lieu of Paper Documents, Generally

Under the reporting provisions for the reformulated gasoline (RFG) and anti-dumping program at 40 CFR 80.75(n) and 80.105(d), reports shall be "submitted on forms and following procedures specified by the Administrator" by a specified date and shall be signed and certified as correct by either the owner or a responsible corporate officer¹ of the reporting entity.

EPA has announced its intent to permit RFG and anti-dumping reporting via EDI (as substitution for paper reports) in the **Federal Register** notice and will accept such electronically filed reports provided the reporting party signs and abides by the provisions of the "Terms and Conditions Memorandum for Submission of Reformulated Gasoline (RFG) and Anti-Dumping Reports via Electronic Data Interchange (EDI)" (hereafter referred to as the "Terms and Conditions Memorandum" or simply as "this memorandum"). The **Federal Register** notice is part and parcel to this Memorandum and is incorporated herein by reference.

The technical requirements are contained in "Reformulated Gasoline and Anti-Dumping Program Electronic Data Interchange Technical Guideline," (hereafter

referred to as the "technical guidance document") which is part and parcel to this memorandum and is incorporated herein by reference. (This memorandum, the **Federal Register** notice, and the technical guidance are sometimes collectively referred to as "the agreement.")

From time to time and due to technological change or technical necessity, EPA may update the technical guidance document. EPA will provide reasonable notice of any such changes to the reporting party.

C. Standards for Documents

The reporting party who has signed the Terms and Conditions Memorandum may electronically transmit to EPA any of the transaction sets for RFG and the anti-dumping program. These transaction sets are identified in the technical guidance document. The reporting party must use only those transaction sets approved for general use by the American National Standards Institute (ANSI) Accredited Standards Committee (ASC) X.12.

D. System Requirements

Reporting parties who wish to submit reports via EDI are responsible for maintaining the equipment, software, services, and testing necessary to effectively and reliably transmit and receive documents. The reporting party may use the EPA VAN or a VAN interconnected with the EPA VAN. The current EPA VAN is identified in the technical guidance.

E. Security Procedures

EPA and the reporting party must protect electronic data and Personal Identification Numbers (PINs) from unauthorized access, alteration, loss, destruction and/or disclosure to ensure, at a minimum, the same level of protection required for paper documents. This protection must extend beyond the transactions themselves to any files or data bases that contain information conveyed via EDI.

In order to reasonably protect electronically submitted reports, EPA will maintain security procedures to protect data and messages against the risk of unauthorized access, alteration, loss or destruction. All information claimed by the reporting party as "confidential business information" party will be subject to additional safeguards and procedures consistent with 40 CFR Part 2 and with established Agency procedures for protection of such information. It is the responsibility of a responsible corporate officer of the reporting party to provide, in writing and on company letterhead, a list of those authorized representatives to receive individual PINs and to identify a responsible corporate officer to receive the company PIN. EPA will only issue PINs to the responsible corporate officer and such properly designated authorized representatives. It is the responsibility of a responsible corporate officer of the reporting party to notify EPA in writing and on company letterhead of any changes which necessitate changes, deletions, or issuance of [a] new individual or company PIN[s]. The reporting party agrees to use all reasonable efforts to maintain the confidentiality of PINs.

¹ The term "responsible corporate officer" as used here, means an officer of the corporation as defined by the incorporation laws of the state in which the corporation is incorporated or a representative of the corporation who has been delegated the authority in writing to certify RFG and Anti-dumping reports by such a responsible corporate officer.

F. Failure to Conduct EDI

Circumstances may arise which render the reporting party unable to submit RFG and anti-dumping reports via EDI. Such circumstances may include, but are not limited to, so-called "acts of God."

Nothing herein is intended to relieve the reporting party of the obligation to file a timely report. If a report cannot be filed in a timely manner via EDI, then the reporting party must submit a paper document as required by 40 CFR 80.75 and 80.105.

II. Subject

Responsible corporate officer:

Reporting party:

(Company name as registered with EPA)

EPA RFG Company Registration number:

Corporate Address:

(as registered with EPA)

(List of facilities who will report via EDI to be included in Part V, below.)

III. Terms and Conditions

The reporting party who has signed this Terms and Conditions Memorandum to submit reports via EDI, agrees to use only those transaction sets approved for general use by the American National Standards Institute ("ANSI") Accredited Standards Committee ("ASC") X.12 and in accordance with the requirements of the technical guidance and the **Federal Register** notice. The reporting party further agrees:

(a) That both company and individual PINs shall be included on each and every report submitted and that such inclusion of the PINs constitutes the signature and certification that the report is correct within the meaning of 40 CFR 80.75(n)(2) and 80.105(d)(3) for that report and constitutes a "signed document" within the meaning of this Memorandum.

(b) That electronically submitted RFG reports (i.e., RFG reports submitted via EDI) are equivalent to, and in substitution for, paper documents and that any document properly transmitted pursuant to this Memorandum, the technical guidance, and the **Federal Register** notice, shall be considered to be a "writing" or "in writing," and any such document when containing, or to which there is affixed, a signature ("signed documents") shall be deemed for all purposes to have been "signed" and to constitute an "original" when printed from electronic files or records established and maintained in the normal course of business.

(c) Not to contest the validity or enforceability of signed documents under the provisions of any applicable law relating to whether certain agreements are to be in writing or signed by the party to be bound thereby. Signed documents, if introduced into evidence on paper in any judicial, arbitration, mediation or administrative proceedings, will be admissible as between the parties to the same extent and under the same conditions as other business records

originated and maintained in documentary form. Neither party shall contest the admissibility of copies of signed documents under either the business records exception to the hearsay rule or the best evidence rule on the basis that the signed documents were not originated or maintained in documentary form.

(d) To provide and maintain the equipment, software, services, and testing necessary to effectively and reliably transmit and receive documents and to accept responsibility for interfacing the EDI application to the EDI system and be responsible for all problems at the application level, including, but not limited to, wrong or missing fields or wrong data in fields.

(e) To safeguard electronic data from tampering and unauthorized disclosure to ensure, at a minimum, the same level of protection required for paper documents.

(f) To safeguard Personal Identification Numbers (PINs) and to notify EPA of any loss of or compromising of a PIN² and to treat all individual PINs as non-transferrable. EPA will issue no PINs without the written request of a responsible corporate officer on letterhead, consistent with the requirements of Paragraph V, below.

(g) That no document will be considered to have been received by EPA until it is accessible to EPA at its receipt computer. No document shall be of any legal effect until it is received. Upon receipt of any report, EPA will promptly (i.e., within five [5] business days) and properly submit a functional acknowledgement in return. The functional acknowledgement will constitute conclusive evidence that a report has been properly received by EPA. If a functional acknowledgement is not received in return for a document transmitted to EPA, then the reporting party who transmitted the document shall be responsible for re-sending the document.

(h) To retransmit any document for which a functional acknowledgement was not received. Such re-transmission is to occur within five (5) days of request by EPA.

(i) To maintain records and archives of documents sent and received for not less than five (5) years.³ Such archives must include a complete record of the data interchanged representing the messages between the parties (i.e., the transaction or data log).

(j) To promptly notify EPA of any inability to properly conduct EDI⁴ and to file paper reports on forms provided by EPA or under circumstances where an electronic report cannot be filed by the applicable regulatory deadline.

(k) To notify EPA, in writing, of any information for which the party claims business confidentiality.⁵

²EPA will promptly issue within fourteen (14) business days a new PIN upon request of the regulated party.

³Examples of documents sent and received include all outgoing transmissions and incoming functional acknowledgements.

⁴Notification does not relieve the party of any reporting requirements under the RFG regulation.

⁵EPA recognizes that information required to be submitted under "Table 2" or "the detail area" of

IV. Acceptance and Duration of Agreement

This Memorandum and the **Federal Register** notice and the technical guidance constitute the complete agreement of the parties relating to the matters specified in this agreement and supersede all prior representations or agreements, whether oral or written, with respect to such matters. No oral modification or waiver of any of the provisions of this agreement shall be binding on either party. As the parties develop additional capabilities respecting EDI, additional addenda may be added to this agreement. Each addendum shall be signed and dated by both the reporting party and EPA. The date of the last signature shall be the effective date, and each addendum shall be appended to this agreement. This agreement is for the benefit of, and shall be binding upon, the reporting party and its respective successors and assigns.

Acceptance by the reporting party of this Terms and Conditions Memorandum is upon return of the original agreement, signed by a responsible corporate officer, to the Director, Field Operations and Support Division (6406J), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

This Terms and Conditions memorandum is effective upon the date indicated in Section VII, below. The agreement shall remain in effect until terminated by either the reporting party or EPA. Termination shall require 30 days written notice, specifying the effective date of the termination. If the reporting party wishes to terminate this agreement, written notice shall be sent to the Director, Field Operations and Support Division, at the above listed address. Such written notice shall be on company letterhead and signed by a responsible corporate officer.

Any termination shall not affect the respective obligations or rights of the parties arising under this Memorandum or the **Federal Register** notice and technical guidance document, which are part and parcel to this Memorandum. Termination of this agreement shall not affect any action required to complete or implement Messages which are sent prior to such termination. Emergency temporary termination of computer connections may be made to protect data from illegal access or other incidental damage.

V. List of Reporting Facilities and Authorized Representatives to Receive Individual PINs

The responsible corporate officer agrees to submit in writing, on company letterhead, a list of "Authorized Representatives" to submit reformulated gasoline and anti-dumping reports and the facilities for which these representatives are authorized to reports. Such list shall include appropriate company and facility identification number(s) (issued by EPA), as well as the address, phone number, and title of each

the transaction sets may be claimed as business confidential by the reporting party. For reports due for calendar year 1995, the party may claim confidentiality for the information contained in "Table 2" or "the detail area" by initialing the clause in Section VI. Beginning with the report due May 31, 1996, the party must claim confidentiality with respect to each EDI submission.

authorized representative. All requests for changes or deletions of company or individual PINs or changes in authorized representatives must be submitted in writing, on company letterhead, and signed by a responsible corporate officer.

VI. Confidential Business Information

Some information required to be submitted under "Table 2" or "the detail area" of the transaction sets, as identified in the technical guidance may be claimed as business confidential by the reporting party. The responsible corporate officer representing the reporting party may claim confidentiality as to "Table 2" or "detail area" information for those reports required to be filed for calendar year 1995 by initialing this clause. A reporting party may also notify EPA of a claim of confidentiality in a separate writing addressed to the Director, Field Operations and Support Division, 401 M Street, SW. (6406-J), Washington, DC 20460. Beginning with the report due on May 31, 1996, parties will be able to claim business confidentiality through the electronic reporting format. The reporting party will receive timely notice of such procedures, which will be included in an update to the technical guidance document.

Initials of Responsible Corporate Officer

VII. Acceptance

The terms and conditions set forth above are hereby accepted and agreed to by the Reporting Party. Upon receipt of this properly signed Terms and Conditions Memorandum and the list of reporting facilities and authorized representatives, EPA will issue PINs and accept electronic reports from the Reporting Party.

Signature of Responsible Corporate Officer

Printed/Typed Name of Responsible Corporate Officer

Company Name

Date

The statutory authority for today's notice is granted to EPA by §§ 211(c) and (k) and § 301(a) of the Clean Air Act as amended, 42 U.S.C. 7545(c) and (k) and 7601(a).

Dated: June 8, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95-14799 Filed 6-19-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 272

[FRL-5188-7]

Hazardous Waste Management Program: Incorporation by Reference of Approved State Hazardous Waste Program for Arkansas

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the United States Environmental Protection Agency (EPA) may grant Final Authorization to States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference those provisions of the State statutes and regulations that EPA will enforce under RCRA Section 3008. Thus, EPA intends to codify the Arkansas authorized State program in 40 CFR Part 272. The purpose of this action is to incorporate by reference EPA's approval of recent revisions to Arkansas' program.

DATES: This document will be effective on August 21, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on this action must be received by the close of business on July 20, 1995. The incorporation by reference of certain Arkansas statutes and regulations was approved by the Director of the Federal Register as of August 21, 1995 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Written comments should be sent to Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202, Phone #: 214-665-8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202, Phone #: 214-665-8533.

SUPPLEMENTARY INFORMATION:

Background

Section 3006 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6926 *et*

seq., allows the U.S. Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. The purpose of today's **Federal Register** document is to incorporate by reference EPA's approval of recent revisions to Arkansas' program.

Effective December 13, 1993 (see 58 FR 52674), EPA incorporated by reference Arkansas' then authorized hazardous waste program. Effective December 21, 1994 (see 59 FR 51115), EPA granted authorization to Arkansas for additional program revisions. In this document, EPA is incorporating the currently authorized State hazardous waste program in Arkansas.

EPA provides both notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that EPA will enforce under section 3008 of RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in Arkansas. Such notice is particularly important in light of the Hazardous and Solid Waste Act Amendments of 1984 (HSWA), Public Law 98-616. Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Arkansas program and by amending the Code of Federal Regulations whenever a new or different set of requirements is authorized in Arkansas, the status of Federally approved requirements of the Arkansas program will be readily discernible.

The Agency will only enforce those provisions of the Arkansas hazardous waste management program for which authorization approval has been granted by EPA. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes his final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogues.